

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sarah Milardo	Team: Team # 2	CCRB Case #: 201307224	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 08/08/2013 5:00 PM	Location of Incident: § 87(2)(b)	Precinct: 114	18 Mo. SOL 2/8/2015	EO SOL 2/8/2015	
Date/Time CV Reported Fri, 08/09/2013 9:29 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 08/09/2013 9:29 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Craig Rosenberg	06474	907213	NARCBQN
2. POM Demetrios Kekatos	09676	940331	NARCBQN
3. POM Matthew Borden	20404	936227	NARCBQN

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Craig Rosenberg	Abuse: Det. Craig Rosenberg stopped § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
B.POM Matthew Borden	Abuse: PO Matthew Borden stopped § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
C.POM Demetrios Kekatos	Abuse: PO Demetrios Kekatos stopped § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
D.DT3 Craig Rosenberg	Abuse: Det. Craig Rosenberg searched § 87(2)(b)	§ 87(2)(b)
E.DT3 Craig Rosenberg	Discourtesy: Det. Craig Rosenberg spoke discourteously to § 87(2)(b)	§ 87(2)(b)
F.POM Matthew Borden	Discourtesy: PO Matthew Borden acted discourteously toward § 87(2)(b)	§ 87(2)(b)
G.POM Matthew Borden	Abuse: PO Matthew Borden threatened to arrest § 87(2)(b)	§ 87(2)(b)
H.POM Matthew Borden	Abuse: PO Matthew Borden frisked § 87(2)(b)	§ 87(2)(b)
I.DT3 Craig Rosenberg	Abuse: Det. Craig Rosenberg refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
J.POM Matthew Borden	Abuse: PO Matthew Borden refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
K.POM Demetrios Kekatos	Abuse: PO Demetrios Kekatos refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
§ 87(4-b) § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)
§ 87(4-b) § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)
§ 87(4-b) § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)
§ 87(4-b) § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		

Case Summary

On August 9, 2013, § 87(2)(b) filed a complaint through the CCRB website. On August 8, 2013, at approximately 5 p.m., § 87(2)(b) and his friend, § 87(2)(b) were standing in front of § 87(2)(b)'s residence by § 87(2)(b) in Queens when they were approached by officers. They were not arrested or issued summonses and the following allegations resulted:

Allegation A – Abuse of Authority: Det. Craig Rosenberg stopped § 87(2)(b) and § 87(2)(b)

Allegation B – Abuse of Authority: PO Matthew Borden stopped § 87(2)(b) and § 87(2)(b)

Allegation C – Abuse of Authority: PO Demetrios Kekatos stopped § 87(2)(b) and § 87(2)(b)

Allegation D – Abuse of Authority: Det. Craig Rosenberg searched § 87(2)(b)

Allegation E – Discourtesy: Det. Craig Rosenberg spoke discourteously to § 87(2)(b)

Allegation F – Discourtesy: PO Matthew Borden acted discourteously toward § 87(2)(b)

Allegation G – Abuse of Authority: PO Matthew Borden threatened to arrest § 87(2)(b)

Allegation H – Abuse of Authority: PO Matthew Borden frisked § 87(2)(b)

Allegation I – Abuse of Authority: Det. Craig Rosenberg refused to provide his shield number to § 87(2)(b)

Allegation J – Abuse of Authority: PO Matthew Borden refused to provide his shield number to § 87(2)(b)

Allegation K – Abuse of Authority: PO Demetrios Kekatos refused to provide his shield number to § 87(2)(b)

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

§ 87(4-b) § 87(2)(g)

The officers rejected mediation.

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) *a Hispanic man with black hair and brown eyes, stands 5'7" tall and weighs 160 pounds. He was § 87(2)(b) old at the time of the incident.*
- § 87(2)(b)

CCRB Statement (encl. D11-D12)

§ 87(2)(b) was interviewed at the CCRB on August 16, 2013.

On August 8, 2013, at approximately 5 p.m., § 87(2)(b) was walking home from the grocery store when he stopped to speak with his friend, § 87(2)(b) who was smoking a cigarette outside his residence in the vicinity of § 87(2)(b) in Queens. § 87(2)(b) had not consumed any drugs or alcohol that day. He held a black grocery bag, and had his wallet in his left pocket, and some change in his right pocket. § 87(2)(b) and § 87(2)(b) spoke for approximately two minutes when an unmarked gray Honda or Toyota approached and three officers dressed in plainclothes exited and identified themselves as officers by removing their badges from being tucked inside their shirts.

PO1, identified via investigation as Det. Craig Rosenberg, was described as an older white man, in his late 40s or early 50s, with a mustache and white receding hair, standing approximately 5'7" tall, with a heavier build, weighing approximately 200 pounds, and wearing a white or light green shirt and blue jeans. PO2, identified via investigation as PO Matthew Borden, was described as a young black man, in his early 30s, standing 5'8" or 5'9" tall, with a medium build, wearing jeans, a button down shirt, and a cap. PO3, identified via investigation as PO Demetrios Kekatos, was described as a Hispanic or Asian man. § 87(2)(b) could not recall too much about him because he stood back for most of the interaction.

The officers asked § 87(2)(b) and § 87(2)(b) what they were doing and requested their IDs. § 87(2)(b) and § 87(2)(b) said they were just talking and provided their IDs without issue. The officers only glanced at the ID's and did not scan them or record the information. Det. Rosenberg asked § 87(2)(b) where he lived and if he was ever arrested. § 87(2)(b) answered accordingly and asked what the problem was. The officers said they had been receiving complaints about guns, but § 87(2)(b) did not know how this was related to him. The officers did not ask about drugs, but told them not to worry as they were not "the weed police." § 87(2)(b) did not smell any odor of marijuana and he did not know what the officers meant by this.

Det. Rosenberg immediately put his hands into § 87(2)(b)'s front pant pockets while asking if he had anything on him. § 87(2)(b) said no and Det. Rosenberg removed his receipt, wallet, and change and handed them to § 87(2)(b). Det. Rosenberg placed his hands into § 87(2)(b)'s back

pants pockets then rummaged through his grocery bag. § 87(2)(b) asked Det. Rosenberg why he searched him and Det. Rosenberg told him to, “Shut the fuck up.” § 87(2)(b) could not initially see what was happening with § 87(2)(b) but heard him asking PO Borden why he was touching him and putting his hands in his pockets. PO Borden snatched § 87(2)(b)'s cigarette out of his mouth and told him he should arrest him for blowing smoke in his face.

§ 87(2)(b) started to put his wallet back in his pocket and Det. Rosenberg reached for his firearm while shouting, “Keep your fucking hands up.” Det. Rosenberg did not remove his firearm from the holster. § 87(2)(b) put his hands up and said that he was just putting his wallet away. Upset with their conduct, § 87(2)(b) asked all three officers for their badge numbers. Det. Rosenberg, PO Borden, and PO Kekatos each flipped their badges over so that they were backwards and Det. Rosenberg said, “Good luck with that.” The officers entered their car and left the scene. § 87(2)(b) recorded their license plate as: § 87(2)(e), § 87(2)(f). The whole incident lasted five to six minutes.

Victim: § 87(2)(b)

- § 87(2)(b) a Hispanic man with brown hair and brown eyes, stands 5’5” tall and weighs 223 pounds. He was § 87(2)(b) old at the time of the incident.
- § 87(2)(b)

CCRB Statement (encl. D19-D20)

§ 87(2)(b) was interviewed at the CCRB on August 19, 2013. § 87(2)(g)

As § 87(2)(b) smoked a cigarette and spoke to § 87(2)(b) about the new Superman movie, three officers double parked a silver car in front of § 87(2)(b)'s home. PO1, identified via investigation as PO Borden, was described as a dark skinned, black or Hispanic man wearing “seeing” glasses and a gray Derek Jeter shirt, standing 5’7” to 5’8” tall with a medium build. PO2, identified via investigation as Det. Rosenberg, was described as an older, white man, in his 40s, with pale skin, reddish/blond hair, and with a chubby build. PO3, identified via investigation as PO Kekatos, was described as a short white man with a goatee. PO3 stood in the background and did not interact with § 87(2)(b) and § 87(2)(b).

The officers cornered § 87(2)(b) and § 87(2)(b) so that they were backed up against the wall of a residence. Det. Rosenberg said that he had not been there in a while and § 87(2)(b) believed he was referring to the year prior when officers came to his house while he was not home. PO Borden grabbed § 87(2)(b)'s elbow while asking for his ID. § 87(2)(b) provided his ID and the officers looked at it without writing down any information. PO Borden got close to § 87(2)(b)'s face, snatched his cigarette out of his mouth, and threatened to arrest him for blowing smoke in his face. § 87(2)(b) informed him that it was not intentional and was due to being cornered. PO Borden called § 87(2)(b) “stupid” and threatened to arrest him multiple times. PO Borden never explained what the charge would have been.

PO Borden frisked § 87(2)(b) around his pants and tried to stick his fingers inside the side pockets. § 87(2)(b) asked PO Borden if he was searching him. PO Borden denied searching § 87(2)(b) and stopped trying to put his fingers in his pockets. § 87(2)(b) faced away from § 87(2)(b) but he heard commotion between him and Det. Rosenberg.

After three to four minutes, the officers started to walk away and § 87(2)(b) asked for their badge numbers. All three officers flipped their badges backwards while making sarcastic remarks such

as, "Oh yeah you want it?" Det. Rosenberg told § 87(2)(b) his breath stank and that he should give him a ticket, as if trying to joke around. § 87(2)(b) made note of the officers' license plate.

Photo Arrays (encl. D24-D27)

§ 87(2)(b) participated in three separate photo arrays at the CCRB on April 28, 2014. Each array consisted of one of the officers assigned to the subject vehicle, Det. Rosenberg, PO Borden, and PO Kekatos. Filler photos of officers with similar characteristics were chosen at random by the NYPD Monitoring Analysis Section.

In photo array 39329, § 87(2)(b) did not identify any of the officers as having been involved in the incident. He stated that the officer was chubby, as in officer number 5. He also noted that the officer who dealt with § 87(2)(b) was "older, Irish, blue eyes, with graying blonde hair." Det. Rosenberg was photo 5.

In photo array 39328, § 87(2)(b) did not identify any of the officers as having been involved in the incident, but he stated that the officers in photos 3 and 5 were "maybes." He noted that the officer that dealt with him wore "thick black glasses." PO Borden was photo 3.

§ 87(2)(b) did not identify or recognize any of the officers in photo array 39327. PO Kekatos was photo 3.

Attempts to Contact Civilians

Two attempts were made to contact § 87(2)(b) by phone to schedule him for a photo viewing and messages were left. Two letters were mailed and two e-mails were sent on April 17, 2014 and April 23, 2014. On April 24, 2014, § 87(2)(b) responded via email and stated that he had moved out of New York State.

NYPD Statements:

Subject Officer: PO DEMETRIOS KEKATOS

- *PO Kekatos, a white man with brown hair and brown eyes, stands 5'7" tall and weighs 190 pounds. He was § 87(2)(b) old at the time of the incident.*
- *PO Kekatos was observed to have a full beard and goatee during his CCRB interview.*
- *PO Kekatos worked from 2:27 p.m. to 11 p.m. and was assigned to Queens Narcotics with Det. Craig Rosenberg and PO Matthew Borden. He was dressed in plainclothes and assigned to an unmarked light colored Mitsubishi #7846.*

Memo Book (encl. E15-E16)

4:20 p.m., resuming patrol. On route to vicinity of 114th Precinct with Det. Rosenberg and PO Borden. Vehicle #7846. 5:30 p.m., SNEU vicinity of QB.

CCRB Statement (encl. E19-E20)

PO Kekatos was interviewed at the CCRB on March 19, 2014.

On August 8, 2013, at approximately 4:30 p.m., PO Kekatos, PO Borden, and Det. Rosenberg left their command and were en route to the Queensbridge Houses in Queens. They arrived at 5:30 p.m. PO Kekatos believed he worked the entirety of the tour with Det. Rosenberg and PO Borden. PO Kekatos did not know how he had his facial hair styled at the time of the incident.

PO Kekatos did not recall an incident at § 87(2)(b) in Queens and the officers did not stop anywhere on their way to the Queensbridge Houses. PO Kekatos did not recognize § 87(2)(b)'s photo, however, he recognized § 87(2)(b) as having been arrested in 114th Precinct in the past. PO Kekatos was unsure when this arrest was, but it was "way before" August 8, 2013. He has not seen § 87(2)(b) since that arrest.

PO Kekatos was given a brief synopsis of the incident, though it did not jog his memory. He did not hear Det. Rosenberg refer to themselves as "not the weed police" or witness him or PO Borden frisk or search anyone. PO Kekatos did not see PO Borden remove a cigarette from anyone's mouth or threaten to arrest anyone for the odor of their breath. PO Kekatos did not hear Det. Rosenberg speak discourteously. PO Kekatos' badge was around his neck. No one asked him or the other officers for their badge numbers and they did not flip them around in response.

Subject Officer: DET. CRAIG ROSENBERG

- *Det. Rosenberg, a white man with blond hair and blue eyes, stands 5'8" tall and weighs 225 pounds. He was § 87(2)(b) old at the time of the incident.*
- *Det. Rosenberg worked from 2:27 p.m. to 11 p.m. and was assigned to chase car with PO Matthew Borden. He was dressed in plainclothes and assigned to unmarked vehicle #9861. The vehicle's make and model were unknown.*

Memo Book (encl. E8 – E10)

4:30 p.m., on route to Main Avenue and 30th Avenue re: re-con with PO Borden, R/A § 87(2)(b) 5 p.m., A/AW/A: Re: re-con.

CCRB Statement (encl. E13-E15)

Det. Rosenberg was interviewed at the CCRB on March 11, 2014.

Prior to the interview, Representative Joe Montori, informed the investigator that PO Borden and Det. Rosenberg were together, without the other officer noted on the allegation sheet [PO Kekatos], but that officer [PO Kekatos] might say they were.

On August 8, 2013, at approximately 4:30 p.m., Det. Rosenberg was at his office located in College Point, Queens. By 5 p.m., he and PO Borden were doing a "recon" in the vicinity of Main Avenue and 30th Avenue in Queens. This consisted of investigating a narcotics complaint, which could have involved interacting with people. Det. Rosenberg did not work with PO Kekatos at all touring his tour.

Det. Rosenberg did not recall interacting with § 87(2)(b) and § 87(2)(b). He did not recognize § 87(2)(b)'s photo. When shown § 87(2)(b)'s photo he paused for three seconds and stated, "I...I yeah... I don't really remember him, I mean..." He denied being at the Queensbridge Houses, stating he was at Main Avenue and 30th Avenue. He did not pass through the incident location. When asked for the distance between these locations, Det. Rosenberg responded, "Quite a distance...I mean, ya" and he guessed that it would have taken approximately 20 minutes to get from one location to the other. Det. Rosenberg was given a brief description of the incident and asked if he had ever been to § 87(2)(b) in Queens. Det. Rosenberg denied this, but acknowledged that it was near Queensbridge Houses.

Det. Rosenberg did not know the letters of his vehicle's license plate or its make and model. The last four digits were § 87(2)(b). When asked if he knew of a vehicle with license plate number

“§ 87(2)(e), § 87(2) Det. Rosenberg stated, “I have no recollection of it being with me that day. But we might have had it on the team at one point.” When asked if he referred to him and his officers as “the weed police” he stated “absolutely not.” When asked if he heard his partner do so he laughed and stated, “No, President Obama said it’s almost legal” and continued to laugh stating he never said that.

Det. Rosenberg pointed to his badge on a lanyard around his neck when asked where he wore it the day of the incident. He could not recall anyone asking for his name and shield number that day. When asked if he ever flipped his badge over in response to a request for his name and shield, he asked, “What do you mean?” The undersigned repeated, “Did someone ask you for your name and badge and you flipped it over?” Det. Rosenberg stated, “that I intentionally did that to them.... No.” Det. Rosenberg did not see PO Borden flip over his badge.

Det. Rosenberg did not frisk or search anyone this day. When asked if he rummaged through anyone’s grocery bags, he paused and stated, “On Main and 30th? No.” He did not interact with anyone holding grocery bags. Det. Rosenberg did not see Det. Borden remove a cigarette from anyone’s mouth or threaten to arrest anyone for the odor of their breath. Det. Rosenberg did not use any derivative of the word “fuck” on this day.

Subject Officer: PO MATTHEW BORDEN

- *PO Borden, a black man with black hair and brown eyes, stands 6’1” tall and weighs 180 pounds. He was § 87(2)(b) old at the time of the incident.*
- *PO Borden was observed wearing thick black rimmed glasses during his CCRB interview.*
- *PO Borden worked from 2:25 p.m. to 11 p.m. and was assigned to chase car with Det. Craig Rosenberg. He was dressed in plainclothes and assigned to vehicle #§ 87(2) The vehicle’s make and model were unknown.*
- *PO Matthew Borden has since been promoted to the rank of Detective.*

Memo Book (encl. E1-E3)

4:30 p.m., on route to Main Avenue and 30th Avenue re: con with Det. Rosenberg. Vehicle § 87(2)(a)
5 p.m., A/A W/A re-con. 5:18 p.m., N/R No *illegible*. 5:20 p.m., on route to 55-61 58th, re: ob.

CCRB Statement (encl. E6-E7)

PO Borden was interviewed at the CCRB on March 20, 2014. § 87(2)(g)
§ 87(2)(g)

PO Borden and Det. Rosenberg were at Main Avenue and 30th Avenue in Queens working a recon, which consisted of doing observations, but not of interacting with anyone. PO Borden could not recall if his car was gray and he did not know the complete license plate number. The last four digits, however, were § 87(2)(a) PO Kekatos was on PO Borden’s field team, but PO Borden denied that he was in the car with him at that time. He denied that PO Kekatos was with him at all during that day, stating “based on my memobook no, I was just working with Det. Rosenberg.” He did not recall an interaction with § 87(2)(b) or § 87(2)(b) and said that he that he did not even know who they were. PO Borden was presented with their photos and he maintained that he did not know them.

PO Borden was in the Astoria Houses at the time of the incident, which occurred near Queensbridge Houses, about a mile away. At this time of day, it would have taken PO Borden approximately 15 to 20 minutes to get from one point to the other. When asked, “So that was at

exactly 5 p.m. that you were at Main and 30th?” PO Borden responded, “Yes, according to my memo book, yes.” After a brief pause PO Borden asked, “Did he § 87(2)(b) give a description?” A faint noise could be heard coming from his representative, Joe Montori, and PO Borden said, “Oh, sorry.” PO Borden acknowledged that he wears his glasses when on duty.

PO Borden denied being involved in any stops or frisks, emphasizing that he was doing a kite investigation, which did not entail questioning anyone. When asked if he frisked or searched anyone around the incident time he answered, “based on my memo book, no.” He denied that Det. Rosenberg referred to them as, “not the weed police.” He stated that it was probably a term that many cops used, but maintained that Det. Rosenberg did not. PO Borden gave a slight chuckle and denied pulling a cigarette out of anyone’s mouth or telling them they had bad breath. He denied hearing Det. Rosenberg use discourteous language or seeing him search anyone’s grocery bag. PO Borden denied calling anyone stupid or threatening to arrest anyone.

PO Borden’s badge was around his neck. When asked which direction it faced, PO Borden replied, “Well I have it facing outside so people can read my shield number, but I can’t recall on this day.” No one asked for his shield number that day. When asked if he flipped it over when someone was trying to gain his information PO Borden said, “I don’t remember stopping nobody that day so no.”

NYPD Documents

Stop, Question, and Frisk Reports (UF250s) (encl. F1-F2)

A request for handwritten UF250s from the 114th Precinct was returned negative. A search of the UF250 log did not reveal any UF250s for this incident, or any UF250s completed by Det. Rosenberg, PO Borden, or PO Kekatos.

Fleet Services Request (encl. H17)

Information from Fleet Services revealed that plate number § 87(2)(e) belonged to a silver Mitsubishi Gallant and was assigned to OCCB Narcotics Queens under vehicle #46648.

A request was sent to Fleet Services for information about a vehicle assigned to Queens Narcotics whose license plate had the last four digits, “§ 87(2)(e)”. The request specified that the command labeled their cars by the last four digits of the license plate instead of the NYPD assigned car number. The request was rejected stating that vehicles could not be searched by partial plates.

Vehicle Utilization Log (encl. F3-F4)

The Vehicle Utilization Log revealed that Det. Rosenberg signed out vehicle #46648 at 4:30 p.m. on August 8, 2013, for the purpose of being in the vicinity of the 114th and 108th Precincts.

Movement Sheet (encl. F5)

The Movement Sheet revealed that Det. Rosenberg, PO Borden, and PO Kekatos, signed out together at 4:20 p.m. and were in vehicle “§ 87(2)(e)”. Their intended location was noted to be in the vicinity of the 114th and 108th Precincts for the purpose of enforcement. There were eleven other sets of officers noted on the Movement Sheet, none of whom were assigned to vehicle “§ 87(2)(e)”.

Other Evidence

Google Maps (encl. C1-C5)

A search of Google Maps revealed that there were multiple routes to travel from the Queens Narcotics Command, located at 14-04 111th Street, to Main Avenue and 30th Avenue (Astoria Projects). Depending on the route, § 87(2)(b) could have been on the way. Of the two routes traced, the distance from the command to Astoria Projects ranged from 9.7 to 10.8 miles and 26 to 28 minutes.

A search of Google Maps revealed that the drive from § 87(2)(b) to 30th Avenue and Main Avenue is a direct route, straight up 21st Street to 30th Avenue then over approximately three blocks to Main Avenue. The total distance for this route is 1.6 miles and 5 minutes in limited traffic.

Mediation Activity Log (encl. H74)

This case was with the Alternative Dispute Resolution Unit from November 26, 2013 until February 26, 2014. Copies of Det. Rosenberg's, PO Borden's, and PO Kekatos', memo books were received on January 16, 2014.

Status of Civil Proceedings (encl. G4)

- § 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim with the City of New York with regard to the incident as of March 13, 2014, four months after the filing deadline.

Civilians Criminal History (encl. G1-G3)

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilians CCRB History (encl. B6-B7)

- This is the first CCRB complaint involving § 87(2)(b) and § 87(2)(b)

Subject Officers CCRB History (encl. B1-B5)

- Det. Rosenberg has been a member of the service for 20 years and there are two substantiated CCRB allegations against him:
 - In case 201006915, a stop of person allegation was substantiated and in October of 2011 the NYPD issued Det. Rosenberg instructions.
 - In case 201105441, a stop of person allegation was substantiated and in October of 2012 the NYPD declined to prosecute this allegation.
- PO Borden has been a member of the service for nine years and there are no substantiated CCRB allegations against him.
- PO Kekatos has been a member of the service for eight years and there are no substantiated CCRB allegations against him. This was the first complaint filed against PO Kekatos.

Conclusion

Identification of Subject Officers

§ 87(2)(b) described the officer who interacted with him as an older white man, in his late 40s or early 50s, with a mustache and white receding hair, standing approximately 5'7" tall, with a heavier build, weighing approximately 200 pounds, and wearing a white or light green shirt and blue jeans. § 87(2)(b) described him as an older, white man, in his 40s, with pale skin, reddish/blond hair, and with a chubby build. § 87(2)(b) described the officer who interacted with § 87(2)(b) as a young black man, in his early 30s, standing 5'8" or 5'9" tall, with a medium build, wearing jeans, a button down shirt, and a cap. § 87(2)(b) described him as a dark skinned,

black or Hispanic man wearing “seeing” glasses and a gray Derek Jeter shirt, standing 5’7” to 5’8” tall with a medium build. Finally, § 87(2)(b) and § 87(2)(b) said there was a third officer who they had limited interaction with. § 87(2)(b) described him as a Hispanic or Asian man and § 87(2)(b) described him as a short white man with a goatee.

Det. Rosenberg is a white man with blond hair and blue eyes, who stands 5’8” tall and weighs 225 pounds. He was § 87(2)(b) old at the time of the incident. PO Borden is a black man with black hair and brown eyes, who stands 6’1” tall and weighs 180 pounds. He was § 87(2)(b) old at the time of the incident. PO Borden wore thick black rimmed glasses during his CCRB interview. PO Kekatos is a white man with brown hair and brown eyes, who stands 5’7” tall and weighs 190 pounds. He was § 87(2)(b) old at the time of the incident. PO Kekatos had a full beard and mustache during his CCRB interview.

§ 87(2)(b) could not identify Det. Rosenberg, PO Borden, and PO Kekatos from photo arrays. However, in Det. Rosenberg’s array, he said the officer was “chubby” like officer 5, Det. Rosenberg. He also said that the officer who dealt with § 87(2)(b) was “older, Irish, blue eyes, with graying blonde hair.” In PO Borden’s array, he identified PO Borden and another officer as “maybes” and explained that the officer who dealt with him had “thick black glasses.” He was not familiar with any of the officers in PO Kekatos’ array. None of them, however, had facial hair. § 87(2)(b) provided accurate descriptions of Det. Rosenberg, PO Borden, and PO Kekatos during his photo array and his inability to provide finite identifications could be explained by the passage of time.

§ 87(2)(b) and § 87(2)(b) described the subject vehicle as a gray or silver car, possibly a Toyota or Honda. § 87(2)(b) noted the license plate as § 87(2)(e) and Fleet Services confirmed that this plate belonged to a silver Mitsubishi Galant assigned to Queens Narcotics.

The Movement Log revealed that Det. Rosenberg signed out the car with plate numbers ending in § 87(2)(b) on August 8, 2013 at 4:30 p.m. and that he was with PO Borden and PO Kekatos.

Additionally, the Vehicle Utilization Log associated with the vehicle bearing plate numbers § 87(2)(e) indicates that it was signed out by Det. Rosenberg on August 8, 2013, at 4:30 p.m. with an intended destination of the 114th and 108th precincts. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Investigative Findings and Recommendations

Allegation A – Abuse of Authority: Det. Craig Rosenberg stopped § 87(2)(b) and § 87(2)(b)

Allegation B – Abuse of Authority: PO Matthew Borden stopped § 87(2)(b) and § 87(2)(b)

Allegation C – Abuse of Authority: PO Demetrios Kekatos stopped § 87(2)(b) and § 87(2)(b)

Allegation D – Abuse of Authority: Det. Craig Rosenberg searched § 87(2)(b)

Allegation G – Abuse of Authority: PO Matthew Borden threatened to arrest § 87(2)(b)

§ 87(2)(b)

Allegation H – Abuse of Authority: PO Matthew Borden frisked § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) stated that they were talking outside when they were approached by Det. Rosenberg, PO Borden, and PO Kekatos. PO Kekatos allegedly stayed behind while Det. Rosenberg and PO Borden interacted with them. § 87(2)(b) alleged that Det. Rosenberg put his hands in § 87(2)(b)'s pockets and grocery bag. § 87(2)(b) alleged that PO Borden threatened to arrest him for having bad breath. PO Borden then allegedly frisked § 87(2)(b). PO Kekatos could not recall this incident and Det. Rosenberg and PO Borden denied that they were in the area.

In order to stop a person, a police officer must have a reasonable suspicion that the person has committed, is committing, or is about to commit a crime. A frisk is permitted when the officer reasonably suspects that h is in danger of physical injury by virtue of the detainee being armed. Generally, in order to search someone, an officer must have probable cause to believe the person committed a crime. People v. De Bour, 40 N.Y.2d 210 (1976) (encl. A5-A15).

§ 87(2)(g)

§ 87(2)(g)

Allegation E – Discourtesy: Det. Craig Rosenberg spoke discourteously to § 87(2)(b)
Allegation F – Discourtesy: PO Matthew Borden acted discourteously toward § 87(2)(b)

§ 87(2)(b) alleged that Det. Rosenberg told him to “shut the fuck up” and § 87(2)(b) alleged that PO Borden snatched his cigarette from his mouth. As noted above, PO Kekatos could not recall this incident and Det. Rosenberg and PO Borden denied that they were in the area.

An officer must be courteous and respectful when interacting with the public. Patrol Guide Procedure 203-09 (encl. A1). Additionally, profanity is permissible where the officer has resorted to such language to forcefully make a point, to gain compliance, or in the heat of a highly dangerous situation. NYPD v. Bitchatchi and Matias, OATH Index No. 1996/00 9 (encl.A16-A26).

§ 87(2)(g)

§ 87(2)(g)

number to § 87(2)(b)

number to § 87(2)(b)

number to § 87(2)(b)

§ 87(2)(g)

§ 87(2)(b) and § 87(2)(b) both stated that § 87(2)(b) requested the officers shield numbers and each one of them turned their badges around and did not provide the requested information.

An officer is to courteously and clearly state his or her rank, name, and shield number and command, or otherwise provide them, to anyone who requests this information. Patrol Guide Procedure, section 203-09 (encl. A1).

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

§ 87(4-b) § 87(2)(g)

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Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date